



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/760,035

01/16/2004

Joseph J. Kubler

14364US05

8478

23446 7590 03/30/2010  
MCANDREWS HELD & MALLOY, LTD  
500 WEST MADISON STREET  
SUITE 3400  
CHICAGO, IL 60661

EXAMINER

ROBERTS, BRIAN S

ART UNIT

PAPER NUMBER

2466

MAIL DATE

DELIVERY MODE

03/30/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/760,035	<b>Applicant(s)</b> KUBLER ET AL.	
	<b>Examiner</b> BRIAN ROBERTS	<b>Art Unit</b> 2466	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 22-34, 36-38, 54-59, 78-122, 124, 126, 128 and 130-133 is/are pending in the application.
- 4a) Of the above claim(s) 96-121 and 130-133 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-34, 36-38, 54-59, 79, 122, 124, 126 and 128 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

- Claims 22-34, 36-38, 54-59, 78-122, 124, 126, 128, 130-133 remain pending.
- Claims 96-121 and 130-133 have been withdrawn.
- The official notice of common knowledge taken in the office action dated 01/22/2008 is taken to be admitted prior art because the applicant did not traverse the examiner's assertion of official notice. See MPEP § 2144.03(C)

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/10/2010 has been entered.

### ***Claim Objections***

Claim 22 is objected to because of the following informalities:

- Claim 22 line 2, "the device" should read --the portable terminal device--
- Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2466

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 87-92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- In reference to claim 87

Claim 87 recites the limitation "the evaluating" in line 1. There is insufficient antecedent basis for this limitation in the claim.

- In reference to claim 89

Claim 89 recites the limitation "the evaluating" in line 1. There is insufficient antecedent basis for this limitation in the claim.

- In reference to claim 90

Claim 90 recites the limitation "the evaluation" in line 2. There is insufficient antecedent basis for this limitation in the claim.

- In reference to claim 92

Claim 92 recites the limitation "the evaluation" in line 2. There is insufficient antecedent basis for this limitation in the claim.

- In reference to claim 89, 91

Claims 89 and 91 are rejected because they depend from a rejected base claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 22-24, 28-30, 32-34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), and in view of Iwami et al. (US 5604737).

- In reference to claim 22

In Figure 8, Sharman teaches a portable terminal device (102) that includes:

- a microphone (804) for transducing sound into a first analog voice stream (col. 7 lines 54-55)
- at least one converter (807) for converting the first analog voice stream to produce digital voice packets (col. 7 line 55-60)
- a transmitter (i.e. inherently a transmitter in LAN access interface 810 wherein the Local Area Network is wireless; see col. 7 lines 6-11) for transmitting via a wireless packet network (121) the digital voice packets from the at least one converter (807) (col. 7 line 46-49)
- a receiver (i.e. inherently a receiver in LAN access interface 810 wherein the Local Area Network is wireless; see col. 7 lines 6-11) for receiving digital

Art Unit: 2466

voice packets from a base station (107) in the wireless packet network (col. 7 line 46-49)

- the at least one converter (807) for converting received digital voice packets to a second analog voice stream (col. 7 line 55-60)
- a transducer (804) for transducing the second analog voice stream into sound (col. 7 lines 54-55)

While Sharman suggest the portable terminal device (102) communicating via a wireless packet network with a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60); Sharman does not teach that the portable terminal device transmits a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58 - col. 5 line 21)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of Sharman to transmit a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network and receive the requested information from the remote

Art Unit: 2466

system as suggested by Flamer because it allows the portal terminal device to locate a remote system for data communications between a network.

The combination of Sharman and Flamer does not teach that the portable terminal device, upon receiving the requested information, initiates a call connection through the remote system to a subscriber on the public telephone network, using the requested information; and wherein the portable terminal device begins communicating digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber.

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) and beginning to communicate digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber (col. 13 lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of the combination of Sharman and Flamer to include upon receiving the requested information, initiating a call connection through the remote system to a subscriber on the public telephone network, using the requested information and beginning to communicate digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber as suggested by Iwami et al. because it allows the portable terminal device to communicate voice data with a fixed device located on the public telephone network.

- In reference to claims 23-24, 32-33

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches the wireless packet network that utilizes a TCP over IP. (col. 6 lines 25-37)

- In reference to claim 28

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches the converter (807) includes an analog to digital converter for converting the first analog voice stream to digital voice data and a packetizer for assembling the digital voice data to produce digital voice packets. (col. 7 line 55-60)

- In reference to claim 29

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches the converter (807) includes a depacketizer for extracting digital voice data from received digital voice packets; and a digital to analog converter for converting the extracted digital voice data to produce the second analog voice stream. (col. 7 line 55-60)



- In reference to claim 30

In Figure 8, Sharman teaches a circuit for a portable terminal device (102) comprising:

- at least one converter (807) for converting the first analog voice stream to produce digital voice packets (col. 7 line 55-60)
- a transmitter (i.e. inherently a transmitter in LAN access interface 810 wherein the Local Area Network is wireless; see col. 7 lines 6-11) for transmitting via a wireless packet network (121) the digital voice packets from the at least one converter (807) (col. 7 line 46-49)
- a receiver (i.e. inherently a receiver in LAN access interface 810 wherein the Local Area Network is wireless; see col. 7 lines 6-11) for receiving digital voice packets from a base station (107) in the wireless packet network (col. 7 line 46-49)
- the at least one converter (807) for converting received digital voice packets to a second analog voice stream (col. 7 line 55-60)

While Sharman suggest the portable terminal device (102) communicating via a wireless packet network with a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60); Sharman does not teach that the portable terminal device transmits a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58 - col. 5 line 21)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of Sharman to transmit a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network and receive the requested information from the remote system as suggested by Flamer because it allows the portal terminal device to locate a remote system for data communications between a network.

The combination of Sharman and Flamer does not teach that the portable terminal device, upon receiving the requested information, initiates a call connection through the remote system to a subscriber on the public telephone network, using the requested information; and wherein the portable terminal device begins communicating digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber.

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) and beginning to communicate digital voice packets to the remote system upon

Art Unit: 2466

receiving a message indicating establishment of a call connection with the subscriber (col. 13 lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of the combination of Sharman and Flamer to include upon receiving the requested information, initiating a call connection through the remote system to a subscriber on the public telephone network, using the requested information and beginning to communicate digital voice packets to the remote system upon receiving a message indicating establishment of a call connection with the subscriber as suggested by Iwami et al. because it allows the portable terminal device to communicate voice data with a fixed device located on the public telephone network.

- In reference to claim 34

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches a microphone (804) for transducing sound into a first analog voice stream (col. 7 lines 54-55)

- In reference to claim 36

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches a transducer (804) for transducing the second analog voice stream into sound (col. 7 lines 54-55)

2. Claims 25 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), and in view of Iwami et al. (US 5604737), as applied to the parent claim, and further in view of the admitted prior art.

- In reference to claim 25, 31

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, and Iwami et al. does not explicitly teach the wireless packet network communicates at a frequency of approximately 2.4 gigahertz.

The admitted prior art teaches a wireless packet network communicating at a frequency of approximately 2.4 gigahertz.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the of combination of Sharman, Flamer, and Iwami et al. to include the wireless packet network communicates at a frequency of approximately 2.4 gigahertz as taught by the admitted prior art in order to conform to governmental regulations and industry standards and avoid interference with other communication equipment operating on different frequencies.

3. Claims 26-27 and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338),

Art Unit: 2466

and in view of Iwami et al. (US 5604737), as applied to the parent claim, and further in view of Heidari (US 5550893).

- In reference to claim 26-27

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, and Iwami et al. does not teach that the wireless packet network communicates using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique.

In Figure 1, Heidari further teaches a wireless packet network communicates using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique. (column 3 lines 40-45)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the wireless packet network of the combination of Sharman, Flamer, and Iwami et al. to communicate using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique as suggested by Heidari because it allows several terminal devices to simultaneously communicate information over a communication channel.

- In reference to claim 37-38

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, and Iwami et al. does not teach a keypad for receiving user input or a display device to provide visual feedback to a user.

In Figure 1, Heidari further teaches a telephone (10) having a keypad for receiving user input and a display device to provide visual feedback to a user. (col. 3 line 48-45)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the circuit of the combination of Sharman, Flamer, and Iwami et al. to include a keypad for receiving user input and a display device to provide visual feedback to a user as suggested by Heidari because it allows a user operating the circuit to place a call.

4. Claims 54, 58-59, 78, 82-86, 93-95, 122, 124, 126 and 128 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), in view of Iwami et al. (US 5604737), and in view of Mahany (US 4910794)

- In reference to claim 54, 93-95

Sharman teaches a method performed by a portable terminal device (102) that includes communicating via a wireless packet network with a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60).

Art Unit: 2466

Sharman does not teach the portable terminal device transmitting a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network, and receiving the requested information from the remote system.

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58 - col. 5 line 21)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the method performed by the portable terminal device of Sharman to transmit a request for information identifying the remote system accessible to the portable terminal device via the wireless packet network and receive the requested information from the remote system as suggested by Flamer because it allows the portal terminal device to locate a remote system for data communications between a network.

The combination of Sharman and Flamer does not teach that the portable terminal device, upon receiving the requested information, initiating a call connection through the remote system to a subscriber on the public telephone network, using the requested information; receiving digital voice packets via the wireless packet network at a data rate; initiating conversion of the received digital voice packets to produce sound; enabling conversion of sound to digitized voice information; creating digital voice

Art Unit: 2466

packets from the digitized voice information; and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network.

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) receiving digital voice packets via the wireless packet network at a data rate (col. 8 lines 35-42); initiating conversion of the received digital voice packets to produce sound (col. 8 lines 35-42; col. 7 lines 32-40); enabling conversion of sound to digitized voice information (col. 8 lines 30-33; col. 7 lines 23-31); creating digital voice packets from the digitized voice information (col. 8 lines 30-35); and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network. (col. 13 lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the method performed by the portable terminal device of the combination of Sharman and Flamer to include upon receiving the requested information, initiating a call connection through the remote system to a subscriber on the public telephone network, using the requested information; receiving digital voice packets via the wireless packet network at a data rate; initiating conversion of the received digital voice packets to produce sound; enabling conversion of sound to digitized voice information; creating digital voice packets from the digitized voice



Art Unit: 2466

information; and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network as suggested by Iwami et al. because it allows the portable terminal device to communicate voice data with a fixed device located on the public telephone network.

The combination of Sharman, Flamer, and Iwami et al. does not teach evaluating a preamble of polling message periodically wirelessly received from the wireless packet network and sending an indication of a data rate based upon the evaluation.

In Figure 10, Mahany teaches a mobile terminal unit 80 evaluating a preamble of polling message periodically wirelessly received from a base station 70 and sending an indication of a data rate based upon the evaluation. (col. 12 lines 33-50)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the method performed by the portable terminal device of the combination of Sharman, Flamer, and Iwami et al. to include evaluating a preamble of polling message periodically wirelessly received from the wireless packet network and sending an indication of a data rate based upon the evaluation as suggested by Mahany because it allows the portable terminal device to adjust a received data rate based upon network conditions.

- In reference to claim 78, 84-86

Sharman teaches a processor (102) arranged to communicate over a wireless packet network the processor arranged to communicate over the wireless packet

Art Unit: 2466

network, the at least one processor operable to, at least: communicate with a remote system (e.g. Local Area Network Access Gateway 107) operable to, at least, communicatively couple the portable terminal device to a public telephone network (103) (see Figure 3 col. 3 lines 46-60).

Sharman does not teach that the processor operable to transmit a request for information identifying the remote system accessible to the processor via the wireless packet network, and receiving the requested information from the remote system.

In Figure 2, Flamer teaches a portable terminal device (e.g. roaming node) that transmits a request (e.g. acquisition/synchronization packet) for information identifying a remote system (e.g. stationary node) accessible to the portable terminal device via a wireless packet network the portable terminal device, receiving the requested information from the remote system. (col. 4 line 58 - col. 5 line 21)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the processor of Sharman to transmit a request for information identifying the remote system accessible to the processor via the wireless packet network and receive the requested information from the remote system as suggested by Flamer because it allows the processor to locate a remote system for data communications between a network.

The combination of Sharman and Flamer does not teach that the processor operable to, upon receiving the requested information, initiate a call connection through the remote system to a subscriber on the public telephone network, using the requested information; receive digital voice packets via the wireless packet network at a data rate;

Art Unit: 2466

initiate conversion of the received digital voice packets to produce sound;  
enable conversion of sound to digitized voice information; create digital voice packets from the digitized voice information; and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network.

In Figure 11, Iwami et al. teaches a terminal device (401) initiating a call connection (i.e. voice communication request 451) through a remote system (402) to a subscriber (i.e. user of telephone 402) on a public telephone network (col. 13 lines 31-45) receiving digital voice packets via the wireless packet network at a data rate (col. 8 lines 35-42); initiating conversion of the received digital voice packets to produce sound (col. 8 lines 35-42; col. 7 lines 32-40); enabling conversion of sound to digitized voice information (col. 8 lines 30-33; col. 7 lines 23-31); creating digital voice packets from the digitized voice information (col. 8 lines 30-35); and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network. (col. 13 lines 45-46).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the processor of the combination of Sharman and Flamer to include upon receiving the requested information, initiate a call connection through the remote system to a subscriber on the public telephone network, using the requested information; receive digital voice packets via the wireless packet network at a data rate; initiate conversion of the received digital voice packets to produce sound; enable

Art Unit: 2466

conversion of sound to digitized voice information; create digital voice packets from the digitized voice information; and upon receiving a message indicating establishment of a call connection with the subscriber, begin sending the created digital voice packets to the remote system via the wireless packet network as suggested by Iwami et al.

because it allows the portable terminal device to communicate voice data with a fixed device located on the public telephone network.

The combination of Sharman, Flamer, and Iwami et al. does not teach the processor operable to evaluate a polling message periodically wirelessly received from the wireless packet network and send an indication of a data rate based upon the evaluation.

In Figure 10, Mahany teaches a mobile terminal unit 80 evaluating a preamble of polling message periodically wirelessly received from a base station 70 and sending an indication of a data rate based upon the evaluation. (col. 12 lines 33-50)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify processor of the combination of Sharman, Flamer, and Iwami et al. to evaluate a preamble of polling message periodically wirelessly received from the wireless packet network and send an indication of a data rate based upon the evaluation as suggested by Mahany because it allows the processor to adjust a received data rate based upon network conditions.

- In reference to claims 58-59, 82-83

Art Unit: 2466

The combination of Sharman, Flamer, Iwami et al., and Mahany teaches a system and method that covers substantially covers all limitations of the parent claim. Sharman further teaches the wireless packet network that utilizes a TCP over IP. (col. 6 lines 25-37)

- In reference to claim 122, 124

The combination of Sharman, Flamer, and Iwami et al. teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, and Iwami et al. the circuit/portable terminal device communicates with the base station in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval.

Mahany teaches a mobile transceiver unit (12) communicates with a base station (10) in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval. (col. 4 lines 10-40)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the circuit/portable terminal device of the combination of Sharman, Flamer, and Iwami et al. to include communicate with the base station in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal

Art Unit: 2466

devices for each time interval as suggested by Mahany because it allows the plurality of portable terminal devices to share a single frequency channel.

- In reference to claims 126, 128

The combination of Sharman, Flamer, Iwami et al., and Mahany teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, Iwami et al., and Mahany of the parent claim does not teaches the portable terminal device communicates with the base station in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval.

Mahany teaches a mobile transceiver unit (12) communicates with a base station (10) in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval. (col. 4 lines 10-40)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the portable terminal device of the combination of Sharman, Flamer, Iwami et al., and Mahany to communicate with the base station in each of a series of regular time intervals using bandwidth of a shared channel allocated by the base station in response to requests received from the plurality of portable terminal devices for each time interval as suggested by Mahany because it allows the plurality of portable terminal devices to share a single frequency channel.

5. Claims 55 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), in view of Iwami et al. (US 5604737), and in view of Mahany (US 4910794), as applied to the parent claim, and further in view of the admitted prior art.

- In reference to claim 55, 79

The combination of Sharman, Flamer, Iwami et al., and Mahany teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, Iwami et al., and Mahany does not explicitly teach the wireless packet network communicates at a frequency of approximately 2.4 gigahertz.

The admitted prior art teaches a wireless packet network communicating at a frequency of approximately 2.4 gigahertz.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Sharman, Flamer, Iwami et al., and Mahany to include the wireless packet network communicates at a frequency of approximately 2.4 gigahertz as taught by the admitted prior art in order to conform to governmental regulations and industry standards and avoid interference with other communication equipment operating on different frequencies.

6. Claims 56-57 and 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharman (Reg. Number: H1641) in view of Flamer (US 5400338), in

Art Unit: 2466

view of Iwami et al. (US 5604737), and in view of Mahany (US 4910794), as applied to the parent claim, and further in view of Heidari (US 5550893).

- In reference to claim 56-57, 80-81

The combination of Sharman, Flamer, Iwami et al., and Mahany teaches a system and method that covers substantially covers all limitations of the parent claim.

The combination of Sharman, Flamer, Iwami et al., and Mahany does not teach that the wireless packet network communicates using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique.

In Figure 1, Heidari further teaches a wireless packet network communicates using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique. (column 3 lines 40-45)

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the wireless packet network of the combination of Sharman, Flamer, Iwami et al., and Mahany to communicate using a frequency hopping spread spectrum technique or a direct sequence spread spectrum technique as suggested by Heidari because it allows several terminal devices to simultaneously communicate information over a communication channel.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN ROBERTS whose telephone number is (571)272-3095. The examiner can normally be reached on M-F 10:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL RYMAN can be reached on (571) 272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BSR  
03/26/2010

/Daniel J. Ryman/  
Supervisory Patent Examiner, Art Unit 2466